



C.R.P.No.4692 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.4692 of 2023

and

C.M.P.No.27890 of 2023

Dhanalakshmi

... Petitioner

-Vs-

1. Krishnamurthy

2. The Execution Officer,
Thiruninravoor Panchayat,
Thiruninravood-602 024.

3. The District Collector,
Thiruvallur District,
Thiruvallur

... Respondent

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 17.08.2023 passed in I.A.No.5 of 2023 in O.S.No.532 of 2015 on the file of Addl. District Munsif, Poonamallee.

For Petitioner : Mr.K.Harikrishnan

For Respondents : Mr.D.Ananthapadmanabhan for R1



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ORDER

Challenging the impugned order passed in I.A.No.5 of 2023 in O.S.No.532 of 2015 passed by the learned Addl. District Munsif, Poonamallee, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

2. Before the trial court, the Revision Petitioner/plaintiff filed an application in I.A.No.5 of 2023 to reopen the case and the said application was dismissed by the trial judge stating that after completion of evidence, the document was produced as such is not permissible. Aggrieved over the same, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioner would submit that before the trial court, after completion of evidence, she produced the xerox copy of layout approved by the MMDA in PPD.LO.No.225/1990, but the same was not accepted by the trial judge. Now, the Revision Petitioner/plaintiff took steps to get the original layout. Hence, she wanted to reopen the case and prayed to permit her to mark the original approved plan. But, without considering her submissions, the trial judge dismissed



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the said application. Hence, she prayed to set aside the findings of trial judge.

5. The learned counsel for 1st respondent raised objections stating that only in order to drag on the proceedings, the plaintiff filed the said application and the same was rightly dismissed by the trial judge. Hence, he prayed to dismiss this Civil Revision Petition.

6. Admittedly, before the trial court, after completion of evidence, the Revision Petitioner/plaintiff produced xerox copy of layout and the same was not accepted by the trial judge. Now, she produced the original layout, which is a vital document to prove her case. So, the reasons assigned by the Revision Petitioner is justifiable one. Therefore, to give one more opportunity, this Court is inclined to set aside the findings rendered by the trial judge in I.A.No.5 of 2023 in O.S.No.532 of 2015 and the said application is ordered to be allowed. The trial judge is directed to consider and dispose the application within a period of eight weeks from the date of receipt of copy of this order as per manner known to law and the suit also directed to be disposed of as early as possible. No costs. Consequently,



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connected Civil Miscellaneous Petition is closed.

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Index : Yes/No
Speaking Order : Yes/No
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To

The Addl. District Munsif, Poonamallee.

T.V.THAMILSELVI, J.



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